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# UNH School of Law IP Library: 20th Anniversary Reflection on the Only Academic IP Library in the United States

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## **UNH SCHOOL OF LAW IP LIBRARY: 20<sup>th</sup> ANNIVERSARY REFLECTION ON THE ONLY ACADEMIC IP LIBRARY IN THE UNITED STATES**

**JON R. CAVICCHI<sup>1</sup>**

### **INTRODUCTION – THE PRESENT<sup>2</sup>**

As the legal profession evolves in the 21st century, the roles of information, knowledge management, and data-driven analysis become increasingly important to the teaching, practice, and scholarly development of the law, both nationally and on the international level. This is particularly crucial, and perhaps nowhere more important, than in the field of IP, where access to, and rapid analysis, of information informs best practices, facilitates efficient transactions, and drives policy research, often with global implications. However, the growing importance of information and knowledge resources necessitates a coherent and systematic managerial organization, ideally housed and catalogued in a dedicated IP Library, which, as this century unfolds, is indispensable for the study, practice, and advancement of IP as both a profession and an exponentially expanding area of interdisciplinary research.

In this context, the role of the IP Librarian, as a key team player and embedded colleague in an IP faculty, is essential. From such a faculty vantage, the IP Librarian

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<sup>2</sup> Introduction by Stanley P. Kowalski, Associate Research Professor, Director, International Technology Transfer Institute (ITTI), UNH School of Law, Concord.

works with other IP faculty colleagues to build a series of benefits, i.e., benefits arising from working with a librarian embedded in a number of programs, whether academic, pedagogical, clinical, research, community outreach, or global development. The value so derived is not merely abstract, but of clear tangible value, as it is the foundation of modern practice-based education, and all the more so in the rapidly evolving, interdisciplinary and international field of IP.

The IP Librarian, in addition to acting as a colleague, consulting and liaising with and contributing to the mission of the overall IP faculty and enterprise, dynamically assembles and organizes a diverse collection of materials that not only supports, but inspires the use and application of information to the study, practice, and teaching of IP, perhaps the most rapidly evolving area of law today, whether patent, trademark, copyright or other areas.

## **HISTORY AND PLANNING FOR NATIONALLY UNIQUE IP LIBRARY**

The UNH School of Law Intellectual Property Library (hereinafter “IP Library”) celebrates its twentieth anniversary this year. It is a fortuitous time for this look back and for strategic considerations for the future. This anniversary comes at a time in the history of legal education when conditions over the past few years have intensified the analysis of mission and resources for law school libraries. This article is a retrospective review of the history and dynamics surrounding the founding and first twenty years of growth. It is also an analysis of the future growth and mission of the IP Library during times that demand more strategic vision, taking into consideration the explosion of information, formats, scope of intellectual property (IP) and allied areas of practice, competitor IP programs at other U.S.

law schools, and greater scrutiny of expenses of U.S. law school libraries generally.

**HISTORY – THE ENTREPRENEURIAL SPIRIT: “YOU SEE A NEED, YOU FILL IT”<sup>3</sup>**

***Franklin Pierce Law Center – the First U.S. Law School to teach Patent Practice***

Franklin Pierce Law Center was founded in the 1970s by second-generation patent attorney and inventor, Dr. Robert Rines, on the twin pillars of a constantly evolving practice-based IP program and experience-based public interest clinical education. For the Library, this meant development of the IP collection to support one of the largest and most progressive IP curricula in the United States.

UNH Law is proud to be the first law school in the United States to develop a Patent Practice Program, teaching future patent lawyers how to draft and prosecute patent applications. At that time, the other long-time “patent law” schools, George Washington and John Marshall, only taught black letter patent law.<sup>4</sup> While being best known in the early days as a patent training school, UNH Law offered courses on all areas of core IP and aggressively developed courses and programs on IP related “allied areas of practice” as defined by the World IP Organization (WIPO). One of the largest IP faculties in the U.S. and a corps of well-known IP adjuncts from the U.S. and other countries assisted library collection development. The need for foreign, international, and interdisciplinary content was well appreciated and

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<sup>3</sup> This phrase was frequently used by founder Robert Rines to describe what he referred to as “the entrepreneurial spirit.”

<sup>4</sup> Verified by phone conversations with senior patent professors at those schools who reviewed the “view books” of course offerings in the 1970s.

reflected in the IP collection development of the first two decades before the founding of the IP Library.

### **GROWTH OF IP PROGRAMS LEADS TO DEDICATED IP LIBRARY—THE POWER OF INFORMATION UNDERSTOOD**

This set the stage for the idea of opening a dedicated IP Library with a dedicated IP Librarian. As the IP curriculum and collection grew in the 1980s, so did the IP programs at the Law Center. In the 1980s, the Law Center founded the Master of IP Program (MIP), bringing students from dozens of countries from around the globe including those with and without law degrees. The MIP classes mixed students who could be lawyers, government officials looking at the U.S. model of IP laws and systems, and corporate employees from all levels of companies such as LG, Samsung, GE, Honeywell, and others. The expansion of the foreign and international IP courses resulted in the growth of the Library collection to support these courses, faculty, and students.

In 1993, Dean Robert Viles, Director Judy Gire, and Graduate Programs Director Professor William Hennessey explored and advanced planning for the IP Library and the IP Librarian. The deliberations continued between Viles, Gire, Hennessey, and the IP Faculty throughout 1994 and 1995. All of the memoranda from that period have been maintained for future reference.

***The Collection Scope: broad, deep, comprehensive, global, interdisciplinary, innovative***

The Faculty directed the IP Library to collect at the Research Level.<sup>5</sup> Deciding the scope of the new IP Library

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<sup>5</sup> The Library of Congress defines “Research Level” as “[a] collection that includes the major published source materials required for dissertations and independent research, including materials containing research reporting, new findings, scientific experimental results, and

collection and what was to be moved from the existing collection was interesting and took time and thought. The IP Library would collect all major IP content in the English language. That was an ambitious but achievable objective in 1994, before the proliferation of the Web. I worked with Gire and Associate Director Professor Cindy Landau who had done the IP collection development in the 1980s and 1990s. The area of law classified as IP included the basic areas of patents, trademarks, copyright, trade secrets, and unfair competition. We decided to expand the collection to what WIPO calls the “allied areas of law.” Interrelated with that was the decision that the IP Library should support all courses coded as “IP” in the law school curriculum, including all courses that were approved for credit for the Graduate Program degrees: the Diploma, Masters and LL.M. of IP, Commerce and Technology. So the collection includes areas such as art, cyberlaw and emerging technologies, entertainment, innovation, inventorship, sports as well as the practice, transactional, and business aspects such as licensing, valuation, etc. These decisions drove the collection development budget as well as growth and space planning. We decided to have primarily English language titles, which distinguishes this resource from the only other two academic IP Libraries in the world located at WIPO in Geneva and at the Max Planck Institute in Munich.

Throughout March 1994, Gire and Landau did an analysis of the IP collection at Franklin Pierce and at other law schools ranked by U.S. News and World Report. This

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other information useful to researchers. It is intended to include all important reference works and a wide selection of specialized monographs, as well as a very extensive collection of journals and major indexing and abstracting services in the field. Older material is retained for historical research. Government documents are included in American and foreign law collections. *Collecting Levels*, THE LIBRARY OF CONGRESS, <http://www.loc.gov/acq/devpol/cpc.html> [<https://perma.cc/2SGP-Q4RL>].

culminated in a report, *Evaluating the Library's Level of Commitment to IP*, wherein Gire briefs Viles, the IP Faculty, and the Library Faculty Committee on the breadth of the collection compared to the competitor schools and the costs associated with expanding the IP specialization of the Library, including space, collection and personnel.

In July 1994, Gire visited the IP Library at WIPO in Geneva. She had a tour of the collection and facility and meetings with WIPO Library Director Maria Langsdorff. They discussed the creation of the Law Center IP Library and possible areas of reciprocal collaboration. Her findings were outlined in a report to Viles and the IP Faculty.<sup>6</sup> One section of that report discussing the creation of the IP Librarian position sparked interest with Viles.<sup>7</sup>

Gire recalls that,

[o]riginally, the law school aspired to develop a research level collection to support its broad and expanding IP curriculum. We also hoped this collection would be a resource for visiting scholars from other countries who were coming to the law school to study the American legal system. Accordingly, the initial goal was to build a premier collection of IP materials with breadth and depth to include traditional IP topics as well as the newer, developing areas of IP. Additionally, the collection was to focus on domestic IP practice materials, which would distinguish us from the more scholarly collections at the WIPO or the Max Planck Institute.<sup>8</sup>

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<sup>6</sup> Memorandum from Judith Gire, Report on My Visit to WIPO Library in Geneva (August 17, 1994) (on file with author).

<sup>7</sup> Memorandum from Robert Viles, Your "Report on My Visit to WIPO Library in Geneva" (August 24, 1994) (on file with author).

<sup>8</sup> Email from Judith A. Gire, Library Director Emerita, UNH School of Law, Concord, NH to Jon Cavicchi, Friday, January 22, 2016 at 10:33 a.m. EST (copy on file with author).

***IP Library Collection Development Plan: Core Publications and Unique Content***

So it was confirmed in 1994 that the Library in its first two decades had deeply developed all of the areas of core IP topics, unlike most other U.S. law schools with noteworthy IP programs. The challenge was setting the IP Library apart from other law school libraries by collecting materials those other law schools were not collecting. The main area of unique development was grey materials produced by non-governmental organizations:

- Professional organizations (e.g., ACPC, AIPLA, AIPPI, INTA, LES)
- Colleges and universities (including graduate and law schools)
- Domestic, foreign and international non-governmental organizations
- Continuing legal education (“CLE”) materials (commercial and bar generated)
- Trade organizations that faced IP issues
- Law firms
- Corporate IP departments
- Government works in English
- Theses
- Think tanks such as the National Bureau of Economic Review (“NBER”)

Also important was the knowledge management of program materials produced by the numerous IP related events held at the Law Center. This development occurred in the dynamic period of the 1990s and early 2000s, when organizations were operating under hybrid collections—print, CD, fee based and open web content. The IP library successfully reached out to these producers and content holders. As most of these organizations migrated to web access to their content, print donations diminished and requests for complimentary online access were routinely made and granted.



The Law Center has been a U.S. Government Publishing Office (GPO) Depository since the 1970s, and all of the IP related materials from the GPO Collection were eventually classified and moved to the IP Library.

### ***Enhancing Access to the IP Collection***

One piece of the original plan was to add value to the online catalog so that internal and external patrons could better access and do research in the collection. The ways this has been done have changed over the years. Initially, the IP Librarian cataloged all of the IP acquisitions.

This function later shifted to the law school cataloger who added complete tables of contents to the records. Also, many records adopted by the IP Library had links to tables of contents. This allowed patrons to see the chapters in the treatises. Additionally, over time, the online catalog offered direct access to PDF files such as IP related theses and NBER Reports. Finally, a series of web based user guides were made available in the IP Mall.

### **THE FIRST LAW SCHOOL IP LIBRARIAN IN THE U.S.**

The internal Law Center correspondence shows substantial discussion on the creation of the position of the first IP Librarian and Professor of Research.

In September 1994, Gire reiterated that her desire to create this new position of IP Librarian did not result from her WIPO visit.<sup>9</sup> She and her staff had been discussing such a position for nearly a year. Graduate Programs Director William Hennessey and Gire frequently discussed the issue of an IP Librarian, particularly as it relates to the teaching of special research courses for the Graduate Programs. Indeed, in a memo written in February 1993, Hennessey advised

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<sup>9</sup> Memorandum from Judith Gire, IP Librarian Dialog Continues (September 13, 1994) (on file with author).

Viles that the school needed to think about moving a person on the Library Staff to the role of IP Librarian.<sup>10</sup> And in her 1992–1993 *Annual Report*, Gire listed the addition of an IP Librarian as one of the library's long-term goals.

Likewise, in March of 1994, Gire raised the issue of an IP Librarian in a lengthy memo on evaluating the library's level of commitment to IP.<sup>11</sup> This memo was sent to Viles, the IP Faculty, the Faculty Library Committee, and the Librarians. While this memo addressed many issues relating to the library's current and potential involvement in IP, there was discussion of library staffing to support the IP program and resources. Gire indicated that during the past few years the level of library staff involvement in IP had increased. In addition to the time Landau spent on IP collection development, at least half of my own time was involved in teaching IP research courses for the M.I.P., the J.D., and I.P.S.I. programs.

Subsequently, when I discussed current library issues and goals with Gire in the Library's Self-Study for the ABA Inspection in April 1994, he clearly stated that the library's support of IP programs was impacting our staffing.

[A] second staff issue relates to the teaching commitments of 3 of the professional librarians throughout the year. . . . This issue of staff involvement in research instruction is connected to the Law Center's specialization in IP. A growing portion of the IP students and curriculum is now devoted to IP. Likewise, a growing portion of the Library's collection reflects IP. The summer I.P.S.I. Program brings J.D. students from across the country to study IP. In an effort to address specialized legal sources and tool s in this area, the Library offers the IP

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<sup>10</sup> Memorandum from Bill Hennessey, More on IP Budget – Research Capabilities (February 10, 1993) (on file with author).

<sup>11</sup> Memorandum from Judith Gire, Evaluating the Library's Level of Commitment to IP (March 7, 1994) (on file with author).

Research Tools course in the Franklin Pierce J.D. curriculum and also in I.P.S.I. These two courses are a big responsibility for the Reference Librarian to teach and administer.

In the *Self-Study* Gire went on to state that

[c]urrently, the library has two staff goals. The first is to develop the position of IP Information Specialist to be funded, in-part, from Graduate Program income sources. This position would be responsible for collection development, reference and research instruction in IP. To some extent the Reference Librarian had started to do this already by devoting half his time to teaching IP legal research courses throughout the year and by working on the LL.M. (IP) degree.

Gire concluded by indicating to the A.B.A. that

[i]mplementation of this goal depends on future agreement between the IP faculty and the administration as to the value such a library position would have to the academic program and the promise of funding from IP program income. Failure to approve this position may force the library to reconsider the feasibility of continuing specialized research instruction in IP at the current level.<sup>12</sup>

The ABA Inspection Team responded to the issue of an IP Librarian. Ed Schroeder, the librarian on the ABA Team, also reached similar conclusions:

In comparison with libraries having similar size Collections, the Franklin Pierce Law Center Library is noticeably understaffed. The situation is exacerbated by the growing impact of the IP Program on the Library's total operation, perhaps more on its staff and services than its collection. The Law Center should

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<sup>12</sup> Memorandum from Robert Viles, *supra* note 7.

give serious consideration to developing an IP information specialist position which might be responsible for collection development, reference, Computer Assisted Legal Research [C.A.L.R.] and research instruction in IP.<sup>13</sup>

### ***Internal and External Objectives***

Gire and I developed objectives that could be met with the addition of an IP Librarian.<sup>14</sup> Some of these objectives are internal market objectives; others are external. All point to promoting the Law Center and the IP program and enhancing the reputation of both.

#### **Internal Objectives**

- To provide students with a competitive advantage through customized practice based instruction in basic IP legal and patent, trademark and copyright research;
- To provide the IP Faculty and students with an information specialist with expertise in current manual and electronic IP research tools;
- To improve the quality of IP instruction by providing an information specialist who will monitor current developments in the substantive law of IP and disseminate this information to the faculty.
- To monitor CLE programs and topics offered by other IP educators and keep the faculty aware of what other IP law school programs are doing;
- To improve the quality of faculty scholarship and M.I.P. theses (no longer required) by providing research expertise;
- To continue to build and organize an effective IP collection in conjunction with the IP faculty.

These internal objectives were aimed at directly supporting the IP programs at the Law Center at a higher and more consistent level than the Library Staff was currently able to do. The thrust was to provide some unique resources and

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

services from the research angle that other IP programs were not doing. It was also intended to provide a practice-based approach from the library perspective by offering skills courses and a practice-oriented collection.

### **External Objectives**

The second group of objectives envisioned for an IP Librarian involved reaching out to external markets, to more global promotion of what was happening in IP at the Law Center.<sup>15</sup> We believed a dedicated law librarian would best be able to monitor, network, and promote the IP programs. These objectives involved using the Internet to enhance the national and international reputation of the Law Center and the IP programs.

The IP Librarian would seek to increase exposure to national and international markets allowing the academic, CLE, professional, corporate, and governmental IP worlds to learn about and connect with Concord, NH. In addition, faculty, undergraduate and graduate students at colleges and universities in the U.S. and abroad would be able to learn about the IP programs at Franklin Pierce online—the potential market for the future. The IP Librarian was to broadcast what Franklin Pierce was doing to the outside IP world.

## **MAJOR ACCOMPLISHMENTS**

### ***Collection Growth***

The IP Library, over the years, added hundreds of volumes per year. The collection has grown to approximately ten thousand volumes. As the Web became the primary medium for much new content, both premium and open Web, the IP Library added premium services to the

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<sup>15</sup> *Id.*

complimentary patent searching platforms discussed below. The current collection includes, but is not limited to:

<i>BNA IP Resource Center</i>	<i>Copyright Law Journal</i>
<i>Darts-ip</i>	<i>Global IP Law Service</i>
<i>IP Law Collection – Hein Online</i>	<i>Intellectual Asset Management Online</i>
<i>Intelliconnnect (every IP related Aspen, CCH, Kluwer title)</i>	<i>IP Watch</i>
<i>Juris Notes</i>	<i>Law 360</i>
<i>Managing IP</i>	<i>Queen Mary's Journal of IP Online</i>
<i>Sports Litigation Alert</i>	<i>Tech Transfer Central</i>
<i>The Licensing Letter</i>	<i>World Trademark Review</i>
<i>Lex Machina</i>	<i>Patent Docket Navigator</i>

### ***IP Mall Open Source Web Collections***

The development of the IP Library occurred simultaneously with the evolution of the Internet. At that time, most of the non-governmental organizations had no Web presence. Both USPTO and WIPO had a nascent presence. The IP Library saw the need to organize links to IP resources as they were born and to build content collections as the digital expansion of the IP Library. Thus,

we created the IP Mall<sup>16</sup> in 1995 and announced it to alums, academics, and law firms by a free publication sent in July 1995 called *Guide to IP Resources on the Web*.<sup>17</sup>

Over twenty years, like the IP Library, the IP Mall has become the only academic web collection of IP materials of varying types. Awards and accolades for the IP Mall have amassed over the twenty years including<sup>18</sup>:

Fortune Magazine <sup>19</sup>	Practitioners and
Law schools	academics
Legal authors and	Government agencies
publishers	Citations in treatises
Professional associations	ranging from popular
Library organizations	to professional

### ***Collaboration with World IP Association***

The IP global ambassadors for the Law Center included Professors William Hennessey and Karl Jorda. Professor Jorda had for years worked with WIPO forming training opportunities, alliances, and scholarships for WIPO employees and other students selected by WIPO. During one visit, Professor Jorda had a meeting with WIPO Director General Kamil Idris. Idris was impressed with this new IP Library that benefitted WIPO students as well as other students from around the globe attending the Graduate Programs. As a result, Idris agreed to designate the IP Library as a repository of WIPO publications—an honor

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<sup>16</sup> THE IP MALL (January 4, 2016), [http://ipmall.info/\[https://perma.cc/HC58-U7W2\]](http://ipmall.info/[https://perma.cc/HC58-U7W2]).

<sup>17</sup> Jon Cavicchi and John Griffith, *Guide to IP Resources on the Web*, (Franklin Pierce Law Center, Concord NH) July 3, 1995 (on file with author).

<sup>18</sup> *IP Mall Awards & Accolades*, THE IP MALL (January 8, 2016), <http://ipmall.info/about/kudos.asp> [https://perma.cc/DU8E-LDDN].

<sup>19</sup> *Notable Websites, Tech Lifestyles*, FORTUNE, Winter 2000 Special Issue, at 266.

bestowed on no other law school in the U.S.<sup>20</sup> The arrangement was memorialized, and Idris was invited to the IP Library to dedicate and celebrate this collaboration. So in the spring of 1995, Idris visited the Law Center with a WIPO delegation. In honor of his visit, the Law Center invited him to be the graduation speaker. He was awarded an honorary degree at that time.<sup>21</sup>

### ***Serving the Global IP Community***

Students in the Graduate Programs over the years have come from the academy and government positions as well as law firms and corporate patent departments. There has been almost unanimous notice on the wealth of information resources curated in one dedicated library. The students learn about and use these resources that improve their capabilities as IP professionals. These resources have been particularly beneficial to the yearly stream of scholars who come to be in residence and research at UNH Law. The Distinguished Visiting Scholars are joined by regular Fulbright Scholars.

### ***Only Patent Informatics Curriculum in any U.S. Law School***

As discussed, one of the internal objectives of having an IP Librarian with the LL.M. (IP) degree was to increase skills based research instruction, including legal sources, patent, trademark, and copyright registrations, prosecution history documents and IP litigation research.

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<sup>20</sup> Memorandum from J. Graca Aranha to The Director General, November 10, 1998, <https://www.flickr.com/photos/unhlawiplibrary/21255152199/in/album-72157653999733430/>.

<sup>21</sup> WIPO Repository Dedication, <https://www.flickr.com/photos/unhlawiplibrary/albums/72157653999733430> (also including photos of the presentation of the honorary degree and Dedication ceremony).



I began teaching all of these research areas in a three-credit course called *IP Research Tools and Strategies*. Thereafter, it became clear that the most pressing need was search and the use of patent information. This field has been named patent informatics. The term was coined to provide a recognizable phrase to encompass the various analytical methods used to analyze patent information on the micro and macro levels.<sup>22</sup> It was the advice of the patent faculty that, because many law firms “farmed out” their searches because of liability and budgetary issues, learning the process would lead to patent professionals being better consumers of patent information.

The Tools course was later renamed *Mining Patents*; it taught the skills patent lawyers and other professionals needed to make the range of decisions they routinely face; prosecution, validity, infringement, freedom to operate as well as business views of research and development pathways. In addition to the *Mining Patents* course, the *Patent Landscape Clinic* was introduced.

UNH Law is the only law school in the U.S. teaching patent searching skills and strategies. I discussed this with the librarian who handles IP reference at George Washington University School of Law. One question was why they have not followed our lead and taught these skills. Their librarian responded that the patent faculty at that school did not see the value in teaching this to patent lawyers, as much work is farmed out.<sup>23</sup> As we have found for twenty years, students who practice in law firms and corporate settings report that they and their employers find this knowledge base to be valuable for the business.

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<sup>22</sup> PATINFORMATICS, <http://www.patinformatics.com/> [<https://perma.cc/KR6P-C3MF>] (last visited January 11, 2016).

<sup>23</sup> Telephone Interview with Ken Rodriguez, Reference/IP Librarian, The Jacob Burns Law Library (2014).

***IP Library Continuously Grows: Expansion  
Doubles Physical Space***

It was calculated after the tenth anniversary of the IP Library that it would run out of space for the print collection in less than five years. This new addition doubled the size of the IP Library. It is a beautiful space with a full wall picture window overlooking White Park in Concord, New Hampshire. Skylights fill the space with natural illumination.<sup>24</sup>

***Donations/Dedicated Displays***

As discussed, there were a significant number of donations of book collections, large and small. The first decade saw the growth of proprietary online services offering primary and secondary sources. Organizations found need to make space and to clear out very old IP materials. Professor Karl Jorda made annual donations of his personal library of collected works, both books and conference materials spanning his five-decade career. As law firms sized down collections to save space, we acquired what they no longer considered essential for ready reference. Corporate patent departments also sized down their print collections and the IP Library acquired some very rare and interesting grey materials. Examples are E.I. du Pont de Nemours and Proctor and Gamble.

***Patent Models***

In 1995, Emeritus Professor Homer Blair, founder of the Graduate Programs, donated his collection of thirty patent

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<sup>24</sup> IP Library Expands in 2007,  
<https://www.flickr.com/photos/unhlawiplibrary/albums/72157652078265324>.

models.<sup>25</sup> Before the revision of the U. S. Patent Law in 1870, inventors seeking a patent for a mechanical device were required to submit, with their applications, a model as well as drawings and written descriptions. Models are now required only when the Patent Office feels that the applicant must prove the invention works.<sup>26</sup> Many models were destroyed in two disastrous fires in the Patent Office, in 1836 and again in 1877, but thousands have survived.<sup>27</sup> At least two items in this collection were rescued from the ashes of the fire of 1877. This collection is on permanent display. Its arrangement and presentation was done in collaboration with the Museum of New Hampshire History.

### *Video Games*

In 2010, inventor Ralph Baer and his son, alum Mark Baer, approached the Library to discuss making donations for the development of a permanent display honoring Ralph Baer and telling the dramatic story of the litigations surrounding his seminal video game inventions. Ralph Henry Baer was a German-born American video game developer, inventor, and engineer, and has become known as “The Father of Video Games” due to his many contributions to games and the video game industry in the latter half of the

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<sup>25</sup> *UNH Law User Guide Series – Blair Patent Models*, THE IP MALL (Jan. 12, 2016), <http://ipmall.info/about/user13.asp> [<https://perma.cc/E264-LUBG>].

<sup>26</sup> See Elizabeth Dougherty, *What Are the Current Guidelines for Submitting Models with Your Patent Application?*, INVENTORSEYE (Oct. 2011), <http://www.uspto.gov/custom-page/inventors-eye-what-are-current-guidelines-submitting-models-your-patent-application> [<https://perma.cc/JXD9-UKX6>].

<sup>27</sup> Kim Bayers, *December 15th Marks the 165th Anniversary of The Great Patent Office Fire of 1836, Flames Destroyed a Significant Period of U.S. Patent History*, USPTO (Dec. 14, 2001), <http://www.uspto.gov/web/offices/com/speeches/01-60.htm> [<https://perma.cc/234S-TKAH>].

20th century. By the time of his death, Baer had over 150 patents in his name; in addition to those related to video games, he had patents for electronic greeting cards and for tracking systems for submarines.<sup>28</sup>

Baer donated hardware prototypes and documents to the Smithsonian Institution, UNH Law, and other institutions. Several inventions were the subject of complex technology litigation and the display case exhibits some of those documents. A companion website with the litigation documents and video depositions are available in the IP Mall.<sup>29</sup>

### *The International Technology Transfer Institute (ITTI)*

Authors Feliú and Frazer, in a 2012 *Journal of Legal Education* article, state, “[a] review of the literature has not revealed any embedded librarians in law school clinics, yet there is a strong argument to be made for bringing law librarians into clinical programs as legal research teachers and advisors.”<sup>30</sup> Ironically, Feliú, an alum of UNH Law, did not report that for the period 2007–2013, the IP Librarian was embedded as co-instructor of the ITTI Patent Landscape Analysis Clinic.

Each semester students performed patent search and analysis on issues involving health, agriculture, and climate control. These reports were published by the law school and are available on the web.<sup>31</sup> This clinic was part of the only

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<sup>28</sup> See INVENTIONS & PRODUCTS, <http://www.ralphbaer.com/> [<https://perma.cc/W999-PBBH>] (last visited January 13, 2016).

<sup>29</sup> RALPH BAER’S LITIGATION FILES: MAGNAVOX CO. V. ACTIVISION, INC., [http://ipmall.info/hosted\\_resources/Activision\\_Index.asp](http://ipmall.info/hosted_resources/Activision_Index.asp) [<https://perma.cc/7WWM-4VCJ>] (last visited January 14, 2016).

<sup>30</sup> Vicenç Feliú & Helen Frazer, *Embedded Librarians: Teaching Legal Research As A Lawyering Skill*, 61 J. LEGAL EDUC. 540, 540-41 (2012).

<sup>31</sup> UNH LAW INTERNATIONAL TECHNOLOGY TRANSFER INSTITUTE EDUCATIONAL PATENT LANDSCAPE REPORTS SERIES,

patent searching curriculum at any U.S. law school. The curriculum included Mining Patents, Patent Landscape Clinic I and II as well as independent studies advancing the research methodologies of the clinic projects. The Reports from these seven years of work are available in the IP Library, online<sup>32</sup> and selectively on the WIPO Web.<sup>33</sup>

### ***IP Library Joins Patent Trademark Resource Center***

A more recent accomplishment is UNH Law becoming a designated Patent, Trademark Resource Center (PTRC) for the U.S. Patent and Trademark Office.<sup>34</sup> It is interesting and ironic that the Dimond Library on the UNH Durham campus had been a Patent, Trademark Depository Library (PTDL) for decades before the New Hampshire State Library assumed the designation. Both Libraries eventually dropped the designation due to diminishing returns for the investment of staff time and space. Formerly, a PTDL was required to have twenty-five years of access to granted patents in print, microform, CD/DVD or any combination. With the entire load of patents on the Web, that requirement was dropped and the program was rebranded as the PTRC. It was at that time that UNH Law

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[http://ipmall.info/hosted\\_resources/PatentLandscape\\_index.asp](http://ipmall.info/hosted_resources/PatentLandscape_index.asp)  
[<https://perma.cc/8WVK-7VRC>] (last visited January 15, 2016).

<sup>32</sup> *Id.*

<sup>33</sup> PATENT LANDSCAPE REPORTS BY OTHER ORGANIZATIONS, [http://www.wipo.int/patentscope/en/programs/patent\\_landscapes/published\\_reports.html](http://www.wipo.int/patentscope/en/programs/patent_landscapes/published_reports.html) [<https://perma.cc/GY4M-SV5C>] (last visited January 17, 2016).

<sup>34</sup> Michael McCord, *UNH School of Law Library Opening IP Resource Center*, SEACOAST ONLINE (Oct. 22, 2012, 2:00 AM), <http://www.seacoastonline.com/article/20121022/BIZ/210220310> [<https://perma.cc/BS62-BR7S>].

sought designation as a PTRC.<sup>35</sup> The IP Library serves as the home of the PTRC, supported by the Office of the IP Librarian. In addition to facilitating university and public patron patent searches, the PTRC collaborates with the USPTO in holding public events at UNH Law.<sup>36</sup>

***IP Library a Key Asset in Advancing UNH Law  
Brand as IP Training & Scholarship School***

**Brand Asset**

A review of piles of marketing literature in print and online issued from Franklin Pierce Law Center, and subsequently from UNH School of Law, demonstrates the value that the IP Library has provided as a valuable place to study IP law and policy. The resource has served faculty, students, and visiting scholars in a way unlike any other library in the U.S.

The IP Library and IP Librarian have been an integral part of marketing its IP assets since it was opened as reflected in:

- Periodic *IP Bulletins* sent to potential students and others interested in IP at the school
- Annual print viewbooks sent to potential students and others interested in the school generally
- Special publications such as *Inspiring Excellence*
- *Pierce Law Magazine* and the *Advocate* alumni publications

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<sup>35</sup> UNH LAW PTRC WEB, <http://library.law.unh.edu/PTRC> [<https://perma.cc/3PCH-NHJT>] (last visited January 19, 2016).

<sup>36</sup> AMERICA INVENTS ACT ROAD SHOW AT UNH LAW, <http://law.unh.edu/event/2014/09/uspto-roadshow-workshop-0> [<https://perma.cc/Z7G9-GZTJ>] (last visited January 20, 2016); TRADEMARK OFFICE SPEAKS AT UNH LAW, <http://law.unh.edu/event/2015/02/trademark-basics-small-businesses-craig-morris-uspto> [<https://perma.cc/UNK8-MS9N>] (last visited January 20, 2016).

- *Germeshausen Center Newsletter* articles<sup>37</sup>
- Postcard series such as *GLOBAL RESOURCE / GLOBAL EDUCATION*
- IP@PierceLaw IP microsite<sup>38</sup>
- Recruiting by professors, administrators and the Director of Graduate Programs
- Meetings with corporations and universities discussing possible memoranda of understanding or training programs
- YouTube Campus Tour<sup>39</sup>
- Discussions of IP Library at the Pierce Law Advisory Council on IP, a group of leaders in the law firm, corporate, government and academic IP sectors
- Participation in teaching use of empirical patent data at the IP Bootcamp for IP professors

### **Recognized as Strength by Accrediting Bodies**

As discussed, each of the Reports of the Accrediting bodies, including the American Bar Association, The New England Association of Schools and Colleges, and the American Association of Law Schools, find that the IP Library supports the strength of IP programs, curriculum, and scholarship at UNH Law.<sup>40</sup>

### **CONCLUSION**

Twenty years ago a group of visionaries saw the need for the first academic IP library in the U.S. They met that

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<sup>37</sup> See, e.g., Michelle Lopez, *The IP Library – Year 5*, GERMESCHAUSEN NEWSLETTER (Franklin Pierce Law Center, Concord, New Hampshire) Winter 2000.

<sup>38</sup> IP LIBRARY: THE PIERCE LAW ADVANTAGE, <https://web.archive.org/web/20081028102017/http://piercelaw.edu/ip/library.php> (last visited January 21, 2016).

<sup>39</sup> UNH LAW CAMPUS TOUR, <https://www.youtube.com/watch?v=8iKjoGR9Eow> (last visited January 22, 2016).

<sup>40</sup> AALS, ABA. NEASC Reports spanning years on file with the Library Director, Professor Sue Zago.

need by building and then expanding the physical floor known as the UNH Law IP Library. The collection was made useful and accessible to generations of scholars and practitioners with the creation of the position of the first academic IP Librarian in the U.S. Over twenty years, the collection has grown to include all types of unique content. The collection is both physical and virtual, with the companion IP Mall, which has won dozens of awards and accolades.<sup>41</sup>

The future of the IP Library depends on a growing synergy between UNH Law, the UNH Durham campus, other law school libraries, and the needs of IP law firms, corporate departments, government agencies, and NGOs. These are the places where thousands of alums and future alums prove the approach and value of the education they receive at UNH School of Law.

Judith A. Gire, now Library Director Emerita, was co-creator of the IP Library and it is fitting that she have the last word:

From the beginning, we knew it would be essential to have a subject specialist librarian with the expertise to build the collection from the ground up. Hiring Jon Cavicchi as the IP Librarian proved to be a fortuitous decision. His untiring dedication and resourcefulness allowed our goals for a premier IP collection of print and electronic resources to become a reality. Jon's subsequent involvement in teaching students specialized, cutting edge IP research courses became an important facet of the school's IP curriculum. He has assisted researchers from IP law firms and law schools, domestically and internationally, and, under his direction, the UNH School of Law's IP Library remains a unique resource for IP scholars and practitioners.<sup>42</sup>

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<sup>41</sup> *IP Mall Awards & Accolades*, *supra* note 18.

<sup>42</sup> Email from Judith A. Gire, *supra* note 8.



